

NOT INCLUDED
IN BOUND VOLUMES

LBH
New York, NY

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LIH PROPERTY MANAGEMENT
SERVICES, LLC,

Employer

and

Case 2-RC-23470

LOCAL 116, RWDSU,

Petitioner

DECISION, DIRECTION AND ORDER

The National Labor Relations Board, by a three-member panel, has considered determinative challenges in an election held May 19, 2010, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 10 ballots cast for and 2 ballots cast against the Petitioner, with 17 determinative challenged ballots.¹

The Board has reviewed the record in light of the exceptions and brief and hereby adopts the hearing officer's findings and recommendations.²

¹ In the absence of exceptions, we adopt pro forma the hearing officer's recommendation to sustain the challenges to 3 of the 17 ballots on the ground that the challenged voters were temporary employees with no expectation of continued employment.

² The Employer excepts to the hearing officer's rulings admitting into evidence photographs of certain signs in buildings the Employer manages and testimony about those signs. We find it unnecessary to pass on those rulings because the Employer contends that its 14 building managers are ineligible to vote on the sole ground that they are statutory supervisors, and the photographs and related testimony have no bearing on that contention.

Also with respect to those building managers, there are no exceptions to the hearing officer's analysis under *Caesar's Tahoe*, 337 NLRB 1096 (2002).

DIRECTION AND ORDER

IT IS DIRECTED that the Regional Director for Region 2 shall, within 14 days from the date of this decision, open and count the ballots of Miguel Velazquez, Thomas Brickman, Pierre Marquez, William Rosado, Roberto Olivares, Amrando Pabon, Pedro Santiago, Quirico Davis, Jose Echevarria, Michael Boyd, Andres Cruz, Cecilio Reyna, Miguel Arrendel (Santos), and Jose Rodriguez, prepare and cause to be served on the parties a revised tally of ballots, and issue the appropriate certification.

IT IS ORDERED that the matter is remanded to the Regional Director for Region 2 for further processing.

Dated, Washington, D.C., November 2, 2010

Wilma B. Liebman, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD